

**MASSACHUSETTS DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT**

**LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)**

**DETAILED MODEL PLAN**

**PUBLIC LAW 97-35, AS AMENDED**

**FISCAL YEAR 2009**

**GRANTEE:** COMMONWEALTH OF MASSACHUSETTS

**EIN:** 1-046002284-K4

**ADDRESS:** Department of Housing and Community Development  
Division of Community Services  
Community Services Unit  
100 Cambridge Street, Suite 300  
Boston, MA 02114

**NAME OF LIHEAP COORDINATOR:** Gerald Bell

**EMAIL:** gerald.bell@state.ma.us

**TELEPHONE:** (617) 573-1400

**FAX:** (617) 573-1460

**PLEASE CHECK ONE:**    **TRIBE:** \_\_\_\_    **STATE:**  X     **INSULAR AREA:** \_\_\_\_

**DEPARTMENT OF HEALTH AND HUMAN SERVICES  
ADMINISTRATION FOR CHILDREN AND FAMILIES  
OFFICE OF COMMUNITY SERVICES  
WASHINGTON, DC 20447**

**August 1987, revised 5/92, 2/95, 3/96, 12/98, 11/01**

**OMB Approval No. 970-0075**

**Expiration Date: 10/31/2009**

Assurances

The Commonwealth of Massachusetts agrees to:  
(grantee name)

(1) use the funds available under this title to--

(A) conduct outreach activities and provide assistance to low income households in meeting their home energy costs, particularly those with the lowest incomes that pay a high proportion of household income for home energy, consistent with paragraph (5);

(B) intervene in energy crisis situations;

(C) provide low-cost residential weatherization and other cost-effective energy-related home repair; and

(D) plan, develop, and administer the State's program under this title including leveraging programs,

and the State agrees not to use such funds for any purposes other than those specified in this title;

(2) make payments under this title only with respect to--

(A) households in which one or more individuals are receiving--

(i) assistance under the State program funded under part A of title IV of the Social Security Act;

(ii) supplemental security income payments under title XVI of the Social Security Act;

(iii) food stamps under the Food Stamp Act of 1977; or

(iv) payments under section 415, 521, 541, or 542 of title 38, United States Code, or under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978; or

(B) households with incomes which do not exceed the greater of—

(i) an amount equal to 150% of the poverty level for such State; or

(ii) an amount equal to 60% of the State median income;

except that a State may not exclude a household from eligibility in a fiscal year solely on the basis of household income if such income is less than 110% of the poverty level for such

State, but the State may give priority to those households with the highest home energy costs or needs in relation to household income.

(3) conduct outreach activities designed to assure that eligible households, especially households with elderly individuals or disabled individuals, or both, and households with high home energy burdens, are made aware of the assistance available under this title, and any similar energy-related assistance available under subtitle B of title VI (relating to Community Services Block Grant program) or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(4) coordinate its activities under this title with similar and related programs administered by the Federal Government and such State, particularly low-income energy-related programs under subtitle B of title VI (relating to Community Services Block Grant program), under the supplemental security income program, under part A of title IV of the Social Security Act, under title XX of the Social Security Act, under the low-income Weatherization Assistance Program under title IV of the Energy Conservation and Production Act, or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(5) provide, in a timely manner, that the highest level of assistance will be furnished to those households which have the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size, except that the State may not differentiate in implementing this section between the households described in clauses 2(A) and 2(B) of this subsection;

(6) to the extent it is necessary to designate local administrative agencies in order to carry out the purposes of this title, to give special consideration, in the designation of such agencies, to any local public or private nonprofit agency which was receiving Federal funds under any low-income energy assistance program or weatherization program under the Economic Opportunity Act of 1964 or any other provision of law on the day before the date of the enactment of this Act, except that—

(A) the State shall, before giving such special consideration, determine that the agency involved meets program and fiscal requirements established by the State; and

(B) if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, then the State shall give special consideration in the designation of local administrative agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds for the fiscal year preceding the fiscal year for which the determination is made;

(7) if the State chooses to pay home energy suppliers directly, establish procedures to --

(A) notify each participating household of the amount of assistance paid on its behalf;

(B) assure that the home energy supplier will charge the eligible household, in the normal billing process, the difference between the actual cost of the home energy and the amount of the payment made by the State under this title;

(C) assure that the home energy supplier will provide assurances that any agreement entered into with a home energy supplier under this paragraph will contain provisions to assure that no household receiving assistance under this title will be treated adversely because of such assistance under applicable provisions of State law or public regulatory requirements; and

(D) ensure that the provision of vendor payments remains at the option of the State in consultation with local grantees and may be contingent on unregulated vendors taking appropriate measures to alleviate the energy burdens of eligible households, including providing for agreements between suppliers and individuals eligible for benefits under this Act that seek to reduce home energy costs, minimize the risks of home energy crisis, and encourage regular payments by individuals receiving financial assistance for home energy costs;

(8) provide assurances that,

(A) the State will not exclude households described in clause (2)(B) of this subsection from receiving home energy assistance benefits under clause (2), and

(B) the State will treat owners and renters equitably under the program assisted under this title;

(9) provide that--

(A) the State may use for planning and administering the use of funds under this title an amount not to exceed 10% of the funds payable to such State under this title for a fiscal year; and

(B) the State will pay from non-Federal sources the remaining costs of planning and administering the program assisted under this title and will not use Federal funds for such remaining cost (except for the costs of the activities described in paragraph (16));

(10) provide that such fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the State under this title, including procedures for monitoring the assistance provided under this title, and provide that the State will comply with the provisions of chapter 75 of title 31, United States Code (commonly known as the "Single Audit Act");

(11) permit and cooperate with Federal investigations undertaken in accordance with section 2608;

(12) provide for timely and meaningful public participation in the development of the plan described in subsection (c);

(13) provide an opportunity for a fair administrative hearing to individuals whose claims for assistance under the plan described in subsection (c) are denied or are not acted upon with reasonable promptness; and

(14) cooperate with the Secretary with respect to data collecting and reporting under section 2610.

(15) beginning in fiscal year 1992, provide, in addition to such services as may be offered by State Departments of Public Welfare at the local level, outreach and intake functions for crisis situations and heating and cooling assistance that is administered by additional State and local governmental entities or community-based organizations (such as community action agencies, area agencies on aging and not-for-profit neighborhood-based organizations), and in States where such organizations do not administer functions as of September 30, 1991, preference in awarding grants or contracts for intake services shall be provided to those agencies that administer the low-income weatherization or energy crisis intervention programs.

(16) use up to 5% of such funds, at its option, to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance, including needs assessments, counseling, and assistance with energy vendors, and report to the Secretary concerning the impact of such activities on the number of households served, the level of direct benefits provided to those households, and the number of households that remain unserved.

Certification to the Assurances: As Chief Executive Officer, I agree to comply with the sixteen (16) assurances contained in Title XXVI of the Omnibus Budget Reconciliation Act of 1981, as amended.\* By signing these assurances, I also agree to abide by the standard assurances on lobbying, debarment and suspension, and a drug-free workplace.

Signature of the Tribal or Board Chairperson or Chief Executive Officer of the State or Territory.\*\*

Signature:

\_\_\_\_\_  
Francena Brooks, Undersecretary  
Massachusetts Department of Housing and Community Development

Date: \_\_\_\_\_

**\* Indian tribes/tribal organizations, and territories with annual regular LIHEAP allotments of \$200,000 or less, are not subject to assurance 15, and thus must only certify to 15 assurances.**

**\*\* If a person other than the Chief Executive Officer of the State or territory, or Tribal Chairperson or Board Chairperson of a tribal organization, is signing the certification to the assurances, a letter must be submitted delegating such authority. (PLEASE ATTACH DELEGATION of AUTHORITY.) The delegation must include authority to sign the assurances, not just to administer the program.**

**\*\*\* HHS needs the EIN (Entity Identification Number) of the State, territory or Tribal agency that is to receive the grant funds before it can issue the grant.**

In the above assurances which are quoted from the law, "State" means the 50 States, the District of Columbia, an Indian Tribe or Tribal Organization, or a Territory; "title" of the Act refers to Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (OBRA), as amended, the "Low Income Home Energy Assistance Act"; "section" means Section 2605 of OBRA; and, "subsection" refers to Section 2605(b) of OBRA.



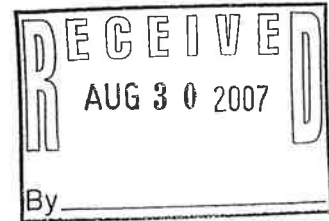
THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

(617) 725-4000

DEVAL L. PATRICK  
GOVERNOR

TIMOTHY P. MURRAY  
LIEUTENANT GOVERNOR



In accordance with Title XXVI of the Low-Income Home Energy Assistance Act of 1981, Public Law 97-35, as amended, I hereby designate the Department of Housing and Community Development (DHCD) to act as the lead agency for the administration of the Low-Income Home Energy Assistance Program. Francena Brooks, as the Undersecretary of DHCD, is authorized to make the certifications, provide the assurances and execute all other documents required to implement the Low-Income Home Energy Assistance Program.

Sincerely,

A handwritten signature in black ink, appearing to read "Deval Patrick", written over a horizontal line.

**COMMONWEALTH OF MASSACHUSETTS  
LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)  
FY 2009 APPLICATION/STATE PLAN**

**I. INTRODUCTION**

In accordance with the "Low Income Home Energy Assistance Act of 1981" and subsequent amendments, the Governor of the Commonwealth of Massachusetts has designated Francena Brooks, Undersecretary, Department of Housing and Community Development (DHCD), as his designee to submit to the Department of Health and Human Services (HHS) this Application/State Plan for the Federal Low Income Home Energy Assistance Program for Fiscal Year 2009. The Governor has designated the Department of Housing and Community Development as the single state agency to administer this program.

The address of the state administering agency is:

Massachusetts Department of Housing and Community Development

*Attention: Francena Brooks, Undersecretary*

100 Cambridge Street, Suite 300

Boston, MA 02114

(617) 573-1100

Copies of correspondence should also be sent to:

Department of Housing and Community Development

Division of Community Services

Community Services Unit

*Attention: Gerald Bell*

Director, Community Services Programs

100 Cambridge Street, Suite 300

Boston, MA 02114

Phone: (617) 573-1400

Fax: (617) 573-1460

E-mail: [gerald.bell@state.ma.us](mailto:gerald.bell@state.ma.us)

**PROGRAM SUMMARY AND HIGHLIGHTS**

The federal LIHEAP funding for FY 2009 had not been finalized before the preparation of this Plan. However, the federal budget for FY 2008 was \$1.98 billion nationally. Until final appropriations are made, Massachusetts presumes level funding. This amount provided Massachusetts with \$81,840,646 in LIHEAP base allocation. Massachusetts expects to operate its LIHEAP program with some revisions. The benefit matrix will continue to have a maximum benefit amount for each federal poverty level, and payment will be based on actual bills for energy use up to the maximum for each household as determined by poverty level category.

The benefit groupings, designed to allow for improved targeting of resources to those with lowest incomes and potentially highest energy burden, have been enhanced to accommodate the highest energy burden and need. Those households with income of 0-100% of poverty receive the highest benefit. The benefit levels themselves have been based on average heating costs for designated income groups, as well as the anticipated funding level for the program. The cost/benefit information was drawn from background analysis performed as part of a benefit distribution study conducted by the Massachusetts Institute of Social and Economic Research.

In anticipation of a grant of approximately \$81.84 million for FY 2009 plus the HHS leveraging grant, Massachusetts is proposing the program and benefits as outlined below. These plans will be subject to final federal funding availability, but represent the most appropriate contingency at this point in time.

The following summary contains key aspects of the FY '09 LIHEAP in Massachusetts:

- ❖ **Program Year:** October 1, 2008, to September 30, 2009; heating benefits are available from November 1, 2008 through April 30, 2009.
- ❖ **Benefit Levels:** The initial maximum benefit is \$503 per household as shown in Attachment B. This is based on an anticipated national appropriation of \$1.9 billion (approximately \$81.84 million for Massachusetts), and estimated, weighted consumption averages that result in a cost-based benefit matrix.

**NOTE:** Benefit levels are subject to change based on final availability of federal funds.

- ❖ **Leveraging Initiatives:** For deliverable fuels, the Margin-Over-Rack (MOR) oil pricing method and the Haverhill Area Oil Bid Program shall continue as the major oil savings initiatives. The MOR has a set margin of .30 cents per gallon above the daily average price of oil as reported by the Oil Price Information Service (OPIS).

DHCD's Community Services Unit (CSU) within the Division of Community Services (DCS) shall continue to be active in the settlement and implementation of discounted utility rate offerings for fuel assistance recipients. Standardization in the enrollment process and billing procedures shall be sought for the Subgrantee network.

**NOTE:** During FY 2008, Massachusetts leveraged \$85,345,163 in non-federal resources. The Department of Health and Human Services awarded \$885,857 in Incentive Funds in FY 2007. A portion of these funds were included as benefits for eligible households. (See Section VII of this application for a description of leveraging activities.)

**HEARTWAP (Heating Emergency Assistance Retrofit Task Weatherization Assistance Program) Support:** The heating system repair/replacement component shall receive a commitment of \$8.5 million from LIHEAP funds. This allocation shall fund "essential repairs" for fuel assistance eligible households.

## II. STATEMENT OF STATUTORY ASSURANCES

I certify that the Commonwealth of Massachusetts shall comply with the 16 assurances contained in Title XXVI, section 2505(b) of the Omnibus Budget Reconciliation Act of 1981 as amended, in the administration of its Low Income Home Energy Assistance Program.

### Certification to the Assurances

#### Signature of Chief Executive Officer of the State or Designee

Signature: \_\_\_\_\_

Francena Brooks, Undersecretary

Massachusetts Department of Housing and Community Development

Date: \_\_\_\_\_

**Employer Identification Number: 1-046002284-K4**

These assurances, together with a description of how Massachusetts intends to carry out specific assurances, and all other application provisions and requirements are set forth in the following application.

### **III. PURPOSE/ALLOCATION OF FUNDS**

#### **A. Distribution of Funds**

LIHEAP funds shall be allocated using a historical formula developed when LIHEAP was originally established. HHS awards LIHEAP block grant funds by formula to the 50 states and District of Columbia, federally- or state-recognized Indian tribes and tribal organizations, and insular areas. The LIHEAP statute authorizes the use of funds derived for the following types of energy assistance:

- ❖ Home energy assistance
- ❖ Energy crisis intervention or crisis assistance
- ❖ Low-cost residential weatherization and other energy-related home repair

The LIHEAP statute authorizes the use of block grant funds for other uses including:

- ❖ Administrative/planning costs (up to 10%)
- ❖ Carryover of funds to subsequent fiscal year (up to 10% of “funds payable”)
- ❖ Identification, development and demonstration of leveraging programs
- ❖ Obligation of leveraging incentive funds
- ❖ Assurance 16 activities (up to 5%)

#### **B. Use of Contingency Funds**

Contingency funds may be used for any purpose authorized under LIHEAP including heating assistance, crisis assistance, weatherization, administrative costs, and carryover, subject to normal LIHEAP restrictions. Contingency funds shall be added to the regular block grant allocation for the current fiscal year to determine limits on weatherization, administration and planning costs, and Assurance 16 activities. Massachusetts has traditionally used contingency funds to increase benefit levels, but may, at its discretion, use funding for such activities as providing additional crisis assistance, making supplemental payments, increasing weatherization and Assurance 16 activities, and other activities allowable under the LIHEAP statute.

#### **C. Allocation of State Funding**

Any state supplement to LIHEAP shall be used for the purposes of assisting low-income households with the purchase of heating oil, propane, natural gas, electricity and other primary or secondary heating sources. Distribution of state funds shall be made on the same basis as federal funds in determining Subgrantee allocations and expenditures shall be made in accordance with the State Plan submitted by DHCD to HHS as determined by DHCD from time to time..

The grantee shall operate the following components under its LIHEAP Program:

**STATUTORY REFERENCE: 2605 (a), 2605 (b)(1)**

**USE OF FUNDS** *Dates of Operation*

<u>X</u>	heating assistance	11/1/08 – 4/30/09
<u>—</u>	cooling assistance	
<u>X</u>	crisis assistance *	11/1/08 – 4/30/09
<u>X</u>	weatherization assistance	10/1/08 – 9/30/09

**STATUTORY REFERENCE: 2605(c)(1)(c), USE OF FUNDS**

The grantee estimates the amount of available LIHEAP funds\* shall be expended as follows:

	<u>71%</u>	heating assistance
	<u>N/A</u>	cooling assistance
	<u>3%</u>	crisis assistance (set aside)
2605(k)(1)	<u>11%</u>	weatherization assistance
	<u>0%</u>	carryover to the following fiscal year
2605(b)(9)	<u>10%</u>	administrative and planning costs
2605(b)(16)	<u>5%</u>	services to reduce home energy needs including needs assessment (Assurance 16)
	<u>0%</u>	used to develop and implement leveraging activities (\$35,000) (limited to the greater of 0.08% or \$35,000 or \$35,000 for states, the greater of 2% or \$100 for territories, tribes and tribal organizations)
	<u>0%</u>	Heat-Eat Assistance Program (H-EAT) for up to \$50,000, see pages 18-19.
	<u>100%</u>	<b>TOTAL</b>

*\*Based on a proposed federal allocation of \$81.84. million.*

**STATUTORY REFERENCE: 2605(c)(1)(C) ALTERNATE USES OF CRISIS ASSISTANCE FUNDS**

The funds reserved for winter crisis assistance which have not been expended by March 15, 2009, will be reprogrammed to:

- ☒ heating assistance
- ☐ cooling assistance
- ☐ weatherization assistance
- ☐ Other (specify):

Do you accept applications for energy crisis assistance at sites that are geographically accessible to all households in the area to be served?

**YES;** all fuel assistance agencies are accessible and provide for the energy crisis assistance.

**IV. ELIGIBILITY REQUIREMENTS**

The grantee's maximum eligibility limits are:

**NOTE:** Eligibility applies to heating, crisis assistance, and LIHEAP Weatherization Assistance.

**STATUTORY REFERENCE: 2605(b)(2), 2605(c)(1)(A)**

- ☐ 150% of the OMB poverty guidelines for each of the components under the grantee's LIHEAP Program.
- ☐ 125% of the OMB poverty guidelines for each of the components under the grantee's LIHEAP Program.
- ☐ 110% of the OMB poverty guidelines for each of the components under the grantee's LIHEAP Program.
- ☐ 60% of the State's median income for each of the components under the grantee's LIHEAP Program.
- ☒ Other – variable levels of the state median income, maximizing at 60%, to equate with federal poverty levels up to 200%. LIHEAP Weatherization services are restricted to households with incomes up to 200% of the federal poverty level, but not to exceed 60% (depending on household size) of the state median income.
- ☐ Households are automatically eligible if one person is receiving ☐ TANF, ☐ SSI, ☐ Food Stamps, ☐ Certain Means tested veterans' programs (heating ☐ cooling ☐ crisis ☐ )

**STATUTORY REFERENCE: 2605(c)(1)(A) 2605 (b) (2) HEATING ASSISTANCE****Do you have additional eligibility requirements for Heating Assistance? YES**

The grantee has set the following additional eligibility requirements for each LIHEAP component:

	<u>Yes</u>	<u>No</u>
Assets Test	<u>—</u>	<u>X</u>
Do you give priority in eligibility to:		
Elderly	<u>—</u>	<u>X</u>
Disabled	<u>—</u>	<u>X</u>
Young Children	<u>—</u>	<u>X</u>
Subsidized housing tenants eligible:		
If heat is included in rent	<u>X*</u>	<u>—</u>
If heat is paid directly	<u>X</u>	<u>—</u>
Other (specify):		
Tenants of Assisted Living Residences (ALR)	<u>X</u>	<u>—</u>
Self-Employed applicants	<u>X**</u>	<u>—</u>

DHCD shall continue to review operational procedures and practices to ensure compliance with administrative guidelines and to develop a policy recommendation concerning program eligibility and assets.

**STATUTORY REFERENCE: 2605(c)(1)(A), 2605(b)(2) COOLING ASSISTANCE**

Do you have additional eligibility requirements for Heating Assistance?

**Not Applicable.****STATUTORY REFERENCE: 2604 (c) 2605(c) (1) (A) CRISIS ASSISTANCE**Do you have additional eligibility requirements for Heating Assistance? YES

\* *These households are not eligible for benefits if total rent payment is less than 30% of household income.*

\*\* *These households are not eligible for benefits if gross business receipts/sales exceed \$250,000 annually.*

<b>Additional Information</b>	<b><u>Yes</u></b>	<b><u>No</u></b>
Assets Test	<u>—</u>	<u>X</u>
Do you give priority in eligibility to:		
Elderly	<u>—</u>	<u>X</u>
Disabled	<u>—</u>	<u>X</u>
Young Children	<u>—</u>	<u>X</u>
Subsidized housing tenants eligible:		
If heat is in rent	<u>X*</u>	<u>—</u>
If heat is paid directly	<u>X</u>	<u>—</u>
Household must have received a shut-off notice or have an empty tank	<u>X</u>	<u>—</u>
Household must have exhausted regular benefit	<u>—</u>	<u>X</u>
Household must have received a rent eviction notice	<u>X</u>	<u>—</u>
Heating must be medically necessary	<u>—</u>	<u>X</u>
Additional: (Specify Below)	<u>—</u>	<u>X</u>
Residents of Assisted Living Residences (ALR)	<u>X</u>	
Self-Employed applicants	<u>X</u> **	<u>—</u>

## CRISIS ASSISTANCE

### What constitutes a crisis?

The crisis intervention component of Massachusetts' LIHEAP has been developed as a "fast-track" system, integrated into the heating assistance program, for prioritizing and expediting service to eligible households experiencing heating emergencies. The purpose of this "fast-

\* Limited eligibility as described in "Heating Assistance."

\*\* Limited eligibility as described in "Heating Assistance".

track" system is to provide a swift response to heating emergencies, while steering applicants into the mainstream heating assistance component with full benefits. Emergency applications are given priority at all intake and processing steps. Local Administering Agencies (LAAs) are required to provide for emergency service within 18 hours of the eligible household's application or request, in accordance with the statute and corresponding procedures outlined in the FY 2009 Administrative Guidance.

The criteria for designating an emergency are as follows:

- a. no heat for any reason, including heating system failure
- b. imminent loss of heat, due to:
  - less than 3-day supply of fuel (e.g., reading of 1/8 tank or less on a standard 275 gallon heating oil tank; "3-day or less" supply standard applies to other delivered fuels)

**OR**

- possession of final notice of utility termination for the primary heat source, or for a secondary source necessary to operate the primary heating system.

**OR**

- possession of a 72 hour Notice of Eviction for renter whose rent includes heat

Households shall apply for the program using the standard LIHEAP application form. Households shall have their incomes determined under the regular LIHEAP income standards. The current benefit matrix (revised) shall apply to the households determined eligible.

Since the inception of LIHEAP, Massachusetts has attempted to decrease from year-to-year the number of crisis situations experienced by low-income households. Emphasis on prompt filing of applications, timely certification of eligibility by LAAs, and prompt vendor payment have contributed to streamlining the process for LIHEAP operations and the clients' receipt of timely, uninterrupted service. LAAs work closely with energy vendors to insure appropriate response to crisis situations during the entire program period.

The mail recertification process is designed to move applicants into the program in a timely fashion. When completed by the applicant, this process greatly minimizes the incidence of crisis situations from this population, as their eligibility is determined prior to the beginning of the heating season on November 1<sup>st</sup>.

**STATUTORY REFERENCE: 2605(c)(1)(A) WEATHERIZATION ASSISTANCE**

Do you have additional eligibility requirements for Heating Assistance? YES

	<u>Yes</u>	<u>No</u>
Assets Test	—	<u>X</u>

Do you give priority in eligibility to:

Elderly	—	<u>X</u>
Disabled	—	<u>X</u>
Young Children	—	<u>X</u>

Other (specify):

Subsidized housing tenants eligible:

If heat is included in rent	<u>X</u>	—
If heat is paid directly	<u>X</u>	—
Restricted eligibility for group living arrangements	<u>X</u>	—
Restricted eligibility for non-subsidized renters	—	<u>X</u>
Higher eligibility maximum for elderly/handicapped	—	<u>X</u>
Other: (Specify below )	—	<u>X</u>

Are you using Department of Energy (DOE) Low-Income Weatherization Assistance Program (LIWAP) rules to establish eligibility or to establish priority eligibility for households with certain characteristics?

No; Eligibility is based on LIHEAP income eligibility and need for the specific weatherization services provided by the Massachusetts HEARTWAP.

**STATUTORY REFERENCE: 2605(b)(3), 2605(c) (3) (A) OUTREACH**

The Subgrantee conducts the following outreach activities designed to assure that eligible households are made aware of all LIHEAP assistance available:

- X provide intake service through home visits or by telephone for the physically infirm (i.e., elderly or disabled).
- X place posters/flyers in local and county social service agencies, offices of aging, social security officers, VA, etc.
- X publish articles in local newspapers or media announcements are aired.
- X include inserts in energy vendor billings to inform individuals of the availability of all types of LIHEAP assistance.
- X make mass mailing (including application) to past recipients of LIHEAP.

- X inform low income applicants of the availability of all types of LIHEAP assistance at application intake for other low-income programs.
- X execute interagency agreements with other low-income program offices to perform outreach to target groups.
- X Other (Please specify):
  - utilize early application period at the beginning of the program.
  - accept applications for energy crisis at sites that are geographically accessible to all households in the area to be served.

**NOTE:** *All of the activities listed above are carried out in varying degrees by the LAA network. The Administrative Guidance for Program Operators outlines mandated outreach activities.*

Subgrantees are also required to maintain accessible intake sites, home visit capacity, general publicity, bilingual assistance for applicants, and use of existing networks to reach target households. The use of mail recertification reduces the need and demand for home visits to elderly and disabled households. Subgrantees are instructed to target high-risk groups within their service areas, including the Limited English Proficiency (LEP) population.

CSU shall maintain working relationships with other agencies such as the Department of Transitional Assistance (DTA) and the Executive Office of Elder Affairs, which will assist in program outreach activities. Local agencies are also encouraged to develop such networks.

As for additional steps taken to target households with high home energy burdens, CSU and its network have traditionally promoted the program to those facing high energy bills and/or financial limitations. As an example, the customer service departments of local utilities and the Consumer Division of the State Department of Public Utilities often refer situations of households with financial hardship and payment trouble to the fuel assistance program. Many of these households face excessive energy burdens. In addition, households with high energy burdens shall receive additional "priority points" as part of CSU's current protocol to target weatherization services, which will help reduce energy bills, and the need for assistance.

Because the majority of served households have incomes below the poverty line, they are vulnerable to a high energy burden. The vendor population is key in referring households with high energy burden/payment troubles to their local fuel assistance agency. High energy users can be targeted for outreach by both vendors and agencies in the normal course of disseminating information on the program.

## V. COORDINATION

### STATUTORY REFERENCE: 2605(b)(4) COORDINATION

DHCD's Division of Community Services (DCS) houses the Fuel Assistance and the Energy Conservation operations, as well as other related community programs, in the Community Services Unit (CSU). DCS receives funding and administers a variety of programs under the Community Services Block Grant, via a network of Community Action Agencies. Under contract with CSU, these agencies also administer the LIHEAP program, with two exceptions: (The City of Cambridge, Department of Human Services and the New England Farm Workers Council, Inc.)

A high degree of coordination among programs, appropriate referrals, and more complete service packages are largely ensured by the multi-faceted nature of these local agencies. (See Attachment A for Subgrantee listing).

DCS works to share information, develop service capacity, and integrate resources through groups such as the Massachusetts Association for Community Action (MASSCAP), the Massachusetts Energy Directors Association (MEDA) and the Energy Policy Advisory Group (EPAG). During Fiscal Year 2008, DHCD convened meetings to address home heating energy issues such as high cost of heat for both deliverable fuel and utility clients, low-income discount rates, arrearage management programs, utility shut offs, and pending terminations of utility services for the low-income Massachusetts population. DHCD's service delivery partners, such as the Department of Public Utilities, investor-owned utility companies and LIHEAP subgrantee agency representatives participated in these meetings and helped develop new strategies for Fiscal Year 2008 and 2009.

As a result of inquiries received during the FY 2008 Program Year, DHCD intends to convene an advisory group to evaluate the issue of funding set asides from LIHEAP appropriations for federally recognized Massachusetts Tribes.

Within CSU, both the fuel assistance and energy conservation operations have collaborated with LAAs to develop a single standardized Fuel Assistance/Weatherization Assistance application form. This application, when filed for fuel assistance during the heating season, also serves as a single point of entry and certification for all energy assistance programs offered by CSU.

During Fiscal Year 2009, CSU shall continue to pursue the involvement of other governmental agencies in LIHEAP's administration. CSU shall seek the assistance of the Massachusetts Department of Revenue (DOR), Massachusetts Department of Transitional Assistance (DTA), and the U.S. Social Security Administration in specific aspects of income verification and related eligibility information and in the prevention of potential fraud situations. CSU shall continue to work with the Executive Office of Energy and Environmental Affairs, Department of Energy Resources (DOER) and the Department of Public Utilities (DPU) regarding rate structures and rate relief for low-income consumers and other issues concerning the major utilities. Increased involvement and a variety of strategies shall be examined with utilities on issues concerning policies on discount rate programs including enrollment, alternative payment plans and

retroactive program dates. CSU shall continue to support the National Consumer Law Center (NCLC) in its efforts to provide quality utility rights training to the LIHEAP network. CSU staff work regularly with both DPU and individual utilities to coordinate enrollment of LIHEAP recipients in the various discounted rate programs, which are offered by all investor owned utilities in the Commonwealth.

CSU shall continue to coordinate with DTA to administer the H-EAT Program in FY 2009. This program modifies the Food Stamp application and re-certification forms to include language advising clients they shall be auto-enrolled in a special fuel assistance program (the H-EAT program) if determined eligible. Families receiving food stamps shall become eligible to receive a higher shelter deduction due to LIHEAP enrollment and shall experience an increase in their food stamp benefit. During FY 2009, DHCD projects up to 50,000 households receiving food stamps will be served under this joint initiative.

The Residential Assistance for Families in Transition (RAFT) Program is administered by DHCD to provide financial assistance to homeless families and families at risk of becoming homeless. The RAFT Program provides short term, limited financial assistance to enable families to retain housing, obtain new housing or otherwise avoid homelessness. DHCD contracts with nine (9) Regional Non-Profit housing agencies (RNPs) to operate the program at the local level. Eligible uses of funds include security deposits, moving expenses, utility payments, rent arrearages and other housing related expenses deemed necessary by the RNP to ensure that families moving from a shelter environment are able to obtain permanent housing. Whereas utility payments/arrearages are an eligible use of RAFT funds, DCS shall ensure the coordination of the LIHEAP and RAFT Programs among the provider network. RAFT funds may be used for utility payments once LIHEAP clients have received the maximum allowable benefit under the fuel assistance program.

## **VI. BENEFIT LEVELS**

### **STATUTORY REFERENCE: 2605(b)(5), 2605 (b) (2), (b) (8A) BENEFIT LEVELS**

The statute requires that there be no difference in the treatment of households eligible because of their income and those eligible because they receive benefits under TANF, Food Stamps, SSI, or certain means-tested veterans programs ("categorical eligibility").

How do you ensure there is no difference when determining eligibility and benefit amounts?  
*(This applies to all components unless specifically noted below.)*

CSU has specific income eligibility criteria outlined in the LIHEAP Administrative Guidance for Program Operators. Since Massachusetts LIHEAP does not recognize categorical eligibility, households that receive income from the sources mentioned above are treated the same as households with income from any other source. The eligibility of all households is based on annualized income. The benefit amount is determined in the same manner regardless of the source of income. The determining factors are: family income, fuel types, energy burden, anticipated number of clients, and where these factors place the household in the Massachusetts LIHEAP benefit matrix.

**STATUTORY REFERENCE: 2605(b) (5) HEATING COMPONENT**

Please check the variables you use to determine your benefit levels (check all that apply):

- ☒ income
- ☐ family (household) size
- ☒ home energy cost or need
- ☒ fuel type
- ☐ climate/region
- ☐ individual bill
- ☐ dwelling type
- ☒ energy burden (% of income spent on home energy)
- ☐ energy need
- ☒ other: funding and anticipated number of clients to be served.

**STATUTORY REFERENCE: 2605(b)(5), 2605 (c)(1)(B) Benefit Levels**

**Describe how you will assure that the highest benefits go to households with the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size. Please describe benefit levels or attach a copy of your payment matrix.**

DHCD uses a mixture of a fixed benefit determined by poverty level with an additional benefit (as high energy benefit) by fuel cost/fuel type to determine the benefit to be awarded to each household. This process assures that households with the lowest income and the highest fuel costs receive the most benefits. Benefit levels are shown in Attachment B.

Do you provide in-kind (e.g., blankets, space heaters) and/or other forms of benefits?

☐ Yes ☒ No

**STATUTORY REFERENCE: 2605(b)(5), 2605 (c) (1) (B) COOLING COMPONENT**

*Not Applicable*

**STATUTORY REFERENCE: 2605(b)(5), 2605 (c) (1) (B) CRISIS COMPONENT****Benefit Determination**

How do you handle crisis situations?

☐ Separate component ☒ Other\* (please explain)

\*Included in regular program. (See pg. 14, CRISIS ASSISTANCE.)

If you have a separate component, how do you determine crisis assistance benefits?

☐ amount to resolve crisis up to maximum

\_\_\_\_\_ other (please describe)

### Benefit levels

Please indicate the maximum benefit for each type of crisis assistance offered.

Heating                      \$ N/A maximum benefit

Cooling                     \$ N/A maximum benefit

Year-round                \$ N/A maximum benefit

Do you provide in-kind (e.g. blankets, space heaters, fans) and/or other forms of benefits?

\_\_\_ Yes X No (If yes, please describe.)

### **STATUTORY REFERENCES 2605 (b) (5), 2605 (c) (1) (B) & (D) WEATHERIZATION & OTHER ENERGY RELATED HOME REPAIR AND IMPROVEMENTS**

**What LIHEAP weatherization services/materials do you provide?**

- \_\_\_ Weatherization needs assessments/audits.
- \_\_\_ Caulking, insulation storm windows etc.
- X Furnace/heating system modifications/repairs
- X Furnace replacements
- \_\_\_ Cooling efficiency modifications/repairs/replacements
- \_\_\_ Other (please describe)

Do you have a maximum LIHEAP Weatherization benefit/expenditure per household?

X Yes    \$4,375 maximum benefit (\$5,575 with asbestos abatement)

Under what rules do you administer LIHEAP weatherization?

Entirely under LIHEAP rules.

### **Weatherization Component Guidelines**

Under the Heating Emergency Assistance Retrofit Task Weatherization Assistance Program (HEARTWAP), heating system services will be provided on an as-needed basis. The services include the cleaning, tuning and evaluation of heating systems, repair and upgrade of existing components, replacement of burners and replacement of unsafe, inoperable or gravity warm air heating systems. Expenditures per home may range from \$125 for a system tune-up to \$4,375 for a heating system replacement. In addition to the direct heating system work, HEARTWAP provides up to \$1,200 for abatement of friable asbestos when replacing a heating system, and for client education in the most efficient use of the heating system. LIHEAP households are

automatically eligible to receive HEARTWAP services, and are considered to have priority status for such.

**NOTE:** Full-scale weatherization will be available to eligible LIHEAP Households through the Department of Energy's (DOE) Weatherization Assistance Program (WAP). At an average cost of \$2,100 per weatherized home, WAP shall provide an energy audit, insulation of attics, walls, and perimeters, air sealing, and other measures, such as storm windows, according to CSU determined and DOE approved priorities and guidance.

The maximum allowable WAP expenditure in a home shall be \$4,000 in labor and materials, with the possibility of an additional \$1,000 in repairs related to the successful installation of conservation measures. The majority of LIHEAP recipients are eligible for WAP services.

Energy efficiency activities are administered within the CSU and these activities are coordinated closely with LIHEAP personnel. Many of the LAAs that operate the energy efficiency programs also operate LIHEAP.

#### **STATUTORY REFERENCE 2605(b)(6)**

The state administers LIHEAP through the following local agencies:

- ☐ county welfare offices
- ☒ community action agencies (weatherization component only)
- ☒ community action agencies (heating, cooling or crisis)
- ☐ charitable organizations
- ☐ not applicable (i.e. state energy office)
- ☐ tribal office
- ☒ other, describe: local community-based organizations and municipality

#### Local Administering Agencies

Massachusetts currently subcontracts for local administration of Fuel Assistance with twenty-one (21) agencies, nineteen (19) of which are Community Action Agencies that are in operation under the Economic Opportunity Act of 1964. CSU reserves the right to select a Subgrantee in any service area via a Request For Response process or by designation of the Undersecretary of DHCD.

A list of designated LAAs is included as Attachment A to this Application/State Plan. A statewide distribution formula shall be prepared which allocates program funds to service areas based on prior year expenditures for the area covered by the Subgrantee. A cost formula for allocation of administrative funds to the Local Administering Agency for each of the LIHEAP agencies is utilized.

Have you changed local administering agencies from last year?

☐ Yes ☒ No

## **VII. GENERAL PROGRAM BACKGROUND**

Each year the CSU collects consumption data and conducts an annual review of heating costs for LIHEAP recipients, by fuel type, family size, and other household characteristics. The focus of the analysis is on the major heating sources of natural gas, oil, electricity, propane, kerosene and other which encompass close to 91% of served households in Massachusetts. Based on recent data, the results indicate that heating costs of these sources have continued to increase over the past few years. It should be noted that both the availability of utility discounts for many LIHEAP households, as well as the average savings of approximately .30 cents per gallon resulting from the MOR Program, have contributed to cost-saving measures for most LIHEAP recipients. A significant number of LIHEAP households have received energy efficiency services through the WAP, HEARTWAP and gas and electric utility-funded programs which further reduce their energy burden.

Massachusetts uses a benefit distribution method that was developed by the Massachusetts Institute for Social and Economic Research (MISER). This benefit distribution method is based on income and actual heating costs incurred by households. In order to ensure that benefits are targeted to households with the lowest incomes and the highest costs/needs, CSU makes the 0 to 100% of poverty group eligible for the highest heating benefit. Those with high costs and need will be eligible for an additional benefit (high energy benefit) based on actual energy billing. The latter is substantially supported by weighted averages from the MISER study.

In accordance with LIHEAP regulations and pending the availability of funds, LAAs may provide such services as needs assessment, referral, budget counseling, energy education/awareness and vendor relations as part of the ongoing servicing of eligible households. These services, under Assurance 16 of the LIHEAP statute, shall be directed toward households that may be in financial/energy crisis requiring individual attention beyond the standard course of action. During FY 2008, a total of \$2,900,000 in Assurance 16 funds were provided to LAAs in accordance with the LIHEAP statute. The funding is used to enhance outreach efforts to eligible customers, particularly high risk elderly constituents. DHCD stresses the importance of conducting more targeted outreach, working with utilities on issues impacting users, particularly elders, and expanding education and awareness efforts. DHCD will monitor the Assurance 16 activities conducted by subgrantees to ensure compliance with funding requirements.

All households are required to complete an application for assistance and to document their income to determine eligibility. In general, households are determined eligible based on the amount of household income rather than whether it came from any particular source. Therefore, the Commonwealth does not differentiate in the provision of assistance between households described in clauses 2(A) and 2(B) under Section 2605 (b) of the LIHEAP statute. Income eligibility determinations are made in accordance with CSU's Administrative Guidance for Program Operators, which outlines certain deductions and exclusions. Mail-in recertifications for prior year recipients aid in timely eligibility determination, and earlier payment processing. CSU has developed a comprehensive set of guidelines for the administration of the program that address intake procedures, eligibility, income verification and program benefits as well as other

operational issues. CSU amended the fuel assistance application to include a listing of all potential income sources including gross receipts/sales from self-employment income, and questions concerning monthly housing expenses and real estate ownership in addition to a primary residence. CSU is committed to strengthening eligibility determination and income verification procedures. CSU shall continue to closely examine program eligibility of LIHEAP applicants/recipients including a review of applicants who own second homes who may be deemed ineligible if it is determined that the second home is not "essential to self-support". Business owners whose annual gross receipts/revenue exceed \$250,000 are not eligible to receive LIHEAP assistance in FY 2009.

In keeping with the statutory requirement that payments be made in a timely manner, Massachusetts shall require its LAAs to pay vendors within thirty (30) days of receipt of an authorized bill for payment, unless otherwise negotiated with the vendor. This timetable applies to vendor payments regardless of their regulated or non-regulated status.

Service for all eligible clients in emergency situations shall be provided within an 18-hour timeframe as specified in the statute. CSU has updated the poverty guidelines for the FY 2009 program year using 2008 HHS Poverty Guidelines and State Median Income Estimates, where applicable.

CSU's prescribed method for determining eligibility based on income, household size and housing situation provides equitable treatment for all applicant households. In keeping with the legislative mandate that higher benefit levels be available for households with the highest energy costs or needs in relation to income, an eligibility matrix has been developed on the basis of income ranges.

The income ranges are as follows:

A. For Fuel Assistance/Crisis:

- 1) Households at or below 100% of federal poverty level.
- 2) Households at or below 125% of federal poverty level.
- 3) Households at or below 150% of federal poverty level.
- 4) Households at or below 175% of federal poverty level.
- 5) Households up to 200%, limited to 60% of the state median income.

B. For Weatherization (HEARTWAP) Assistance:

- \* Households up to 200% of the federal poverty level, limited to 60% of the state median income.

**NOTE:** *All benefit levels are preliminary and subject to change based on final LIHEAP budget and availability of federal funds.*

**STATUTORY REFERENCE: 2605(c)(1)(E) ADDITIONAL STEPS TO BE TAKEN TO TARGET ASSISTANCE TO HOUSEHOLDS WITH HIGH ENERGY BURDENS** (This applies to all components. If all steps to target households with high home energy burdens are described elsewhere in the plan, no further information is required here.)

**The Massachusetts High Energy program has been described elsewhere in the plan.**

**STATUTORY REFERENCE: 2605(b)(7) Energy Suppliers****Do you make payments directly to home energy suppliers?**Heating ☒ Yes ☐ NoCooling ☐ Yes ☒ No N/ACrisis ☒ Yes ☐ No

*\* NOTE: Payments are issued by Subgrantee agencies and Subgrantee agencies shall pay home energy suppliers directly. To ensure effectiveness of payments, Massachusetts LIHEAP is primarily a vendor payment program. However, the Commonwealth recognizes that, in some instances, vendor payment for heating assistance may not be feasible.*

If Yes, are there exceptions? ☒ Yes ☐ No

If Yes, please describe.

Payments directly to clients are allowed only in the following instances (unless a written waiver is granted by CSU):

A) When an eligible tenant's heat is included in rent;

**OR**

B) When a client's vendor refuses to sign the Vendor Agreement to participate in LIHEAP and the client cannot obtain an alternative supplier;

**OR**

C) When a Subgrantee does not have a vendor agreement with the vendor under circumstances approved by CSU;

**OR**

D) When a client who shares a primary heating system is unable to obtain delivery. (If it is necessary to estimate the cost of the first delivery of the program to such a household, a reasonable estimated payment can be made to the client. The client must provide a paid delivery ticket or invoice as proof of payment of the prior delivery before each subsequent payment may be made. Should a vendor still refuse to deliver, a two-party check to client and vendor may be used as a last resort.);

**OR**

E) When a client shares a heating system with his/her landlord whose oil vendor is not participating in the MOR program and the client pays the landlord for half of each oil delivery;

**OR**

F) When a client shares an oil tank with another person who does not receive LIHEAP benefits.

**STATUTORY REFERENCE: 2605(b)(7) (A)**

**If you make payments directly to home energy suppliers, how do you notify the client of the amount of assistance paid? (Please describe)**

The LIHEAP Administrative Guidance requires **subgrantees** to notify clients of all payments made on their behalf within specific time frames. Written notification, preferably in the form of a statement containing billing, total value of payments and balances must be sent to recipients at least once a year upon exhaustion of benefits, or according to an established schedule as stipulated in the Massachusetts LIHEAP Administrative Guidance.

**STATUTORY REFERENCE: 2605(b)(7) (B) & (C)**

**How do you make sure the home energy supplier performs what is required in this assurance? If vendor agreements are used, they may be attached. Indicate each component for which this description applies.**

A vendor agreement, required by CSU and implemented via the subgrantee, contains assurances as to fair billing practices, delivery procedures, and pricing procedures for business transactions involving LIHEAP recipients. These agreements are subject to monitoring procedures performed by either Subgrantee or CSU Staff. This Agreement signed by all vendors, states that the vendor shall not discriminate against the certified (LIHEAP) customer in prices or services and provides that the vendor shall make deliveries/supply services in accordance with normal business practice.

The vendor agreement also ensures that the supplier shall offer the full range of credit, deferred payment, budget, level payment and other credit plans, to help minimize the risks of home energy crises and encourage regular payment by LIHEAP recipients. Vendor agreements are attached to this plan.

In addition, the majority of unregulated vendors (Heating Oil Dealers) are required to participate in CSU's MOR Pricing Program if they wish to receive vendor payments. This discounting effort increases the "purchasing power" of the recipients' cash benefit, thereby helping to alleviate the energy burden of those households.

CSU shall undertake a review of program policies and contracts to ensure that both subgrantees and vendors adhere to the program administrative guidelines. CSU shall continue to work with individual utilities to coordinate enrollment on discount rate programs, eligibility, customer service, automation and other LIHEAP-related matters.

**STATUTORY REFERENCE: 2605(b)(8) (B) OWNERS AND RENTERS**

**Is there any difference in the way owners and renters are treated? If yes, please describe.**

**HEATING ASSISTANCE**      X Yes      \_\_\_ No

Heating benefits paid to renters are affected by the following two factors:  
following:

1. Inclusion of heat in rental payment
2. Responsibility for heat and/or energy utilities payment

In an effort to appropriately target benefits to households with the lowest income and highest energy burden, CSU shall recognize individual rental situations as outlined below for purposes of benefit distribution/eligibility.

#### Eligibility of Renters

Renters who bear an energy burden in relation to gross income may be eligible for LIHEAP benefits. The eligibility of renters can be categorized in two ways: those who pay the full cost of their heat and those with the cost of heat included in their rent.

**1. Renters who directly pay a vendor the full cost of their heat:**

- A. Renters are eligible for their full benefit paid to their heating vendors.
- B. Renters in subsidized housing either with a federal or state subsidy are eligible for a full benefit paid to vendor.

**2. Renters with the cost of heat included in the rent. Full Benefit (100%) accrued incrementally:**

- A. Renters in non-subsidized or subsidized housing may be eligible for a full benefit. However, those households can only be reimbursed up to 30% of the amount of each month's rent paid to their landlord. Benefits are paid directly to client households.

**3. No Benefit**

Renters who live in Federal or State subsidized housing and pay 30% or less of the household's LIHEAP gross monthly income as rent, are not eligible for LIHEAP benefits.

#### **COOLING ASSISTANCE**

**Is there any difference in the way owners and renters are treated?**

\_\_\_ Yes      \_\_\_ No      X N/A

**CRISIS ASSISTANCE****Is there any difference in the way owners and renters are treated?**☐ Yes ☒ No**WEATHERIZATION ASSISTANCE****Is there any difference in the way owners and renters are treated?**☒ Yes ☐ No

All LIHEAP fuel assistance recipients up to 200% of the federal poverty level, limited to 60% of the state median income, are automatically income eligible for benefits under the heating system assistance program, HEARTWAP. However; since the Massachusetts State Sanitary Code requires landlords to maintain an operable and safe heating system for their tenants, HEARTWAP places some restrictions on tenant services. LIHEAP eligible tenants with LIHEAP eligible landlords are eligible for the full array of HEARTWAP services. Tenants receiving weatherization assistance are eligible to receive those benefits through a comprehensive tenant/landlord agreement. All households, regardless of ownership status, are eligible for referral to WAP and a variety of utility funded conservation programs and receive the benefits of those programs.

**STATUTORY REFERENCE: 2605(b)(10) PROGRAM AND FISCAL MONITORING AND AUDIT****How do you ensure good fiscal accounting and tracking of LIHEAP funds? (Please describe. Include a description of how you monitor fiscal activities )**

The State's MMARS system tracks the receipt of LIHEAP revenue and expenditures to subgrantees. This is reconciled monthly. Subgrantees submit financial status reports with every drawdown requested, as well as quarterly reports. This information is reviewed and reconciled. On-site fiscal monitoring is conducted in conjunction with program monitoring, a standard monitoring checklist is used to guide the testing of revenue, expenditures, and internal controls at the subgrantee level.

**How do you monitor program activities? (Please be sure to include a description of how you monitor eligibility and benefit determination.)**

DCS's Fiscal and Compliance Unit (FCU) and Community Services Unit (CSU) perform fiscal and program monitoring respectively, on an annual basis. CSU shall continue to review/modify program monitoring procedures to ensure compliance by provider agencies and that the most significant program and compliance issues are being addressed.

In addition to the regular CSU program assessments, CSU may conduct post-program year audit reviews. The post program year audit review is designed to address eligibility, accountability and policy issues, and to ensure compliance with administrative guidelines

CSU program monitoring includes, but is not limited to, inspecting and reviewing client records, administrative procedures and expenditures, vendor payments, requests for disbursement of funds, and other LIHEAP program-related activities. Written reports shall be filed documenting the results or findings of each visit. The visits and reports shall state results of compliance reviews, outline operational strengths, identify observed weaknesses, and as appropriate, note required corrective actions and timeframes for implementation.

DHCD will work closely with subgrantee agency planners, LIHEAP directors, and/or other staff to develop a LIHEAP work plan for the upcoming fiscal year. After DHCD's approval, the work plan document will be incorporated into the FY 2009 LIHEAP contract. In addition to proposed activities, the work plan shall include FY 2009 LIHEAP proposed Outcome Measures. During the program year, each LIHEAP grantee shall be required to submit an annual program progress report based on their work plan. During on site monitoring, DCS shall monitor progress toward meeting each LIHEAP agency's work plan goals.

In the event suspension or termination of any agency's services is required, the grant agreement with the LAA delineates the specific suspension and termination procedures to be followed.

**How is your LIHEAP Program audited: Under the Single Audit Act?   X   Yes        No**  
**If not, please describe:**

DHCD complies with the Single Audit Act requirements and is audited annually on its expenditures of amounts received under this Title to carry out the purposes of LIHEAP. DHCD submits an annual financial status report on how LIHEAP funds are used. In addition, LAAs are required annually to submit the OMB Circular A-133 audit.

**For States and Territories: Is there an annual audit of local administering agencies?   X**  
**Yes        No        If not, please explain.**

Massachusetts has a financial system appropriate to safeguard federal funds and requires the LAAs to submit certified audit reports.

**STATUTORY REFERENCE: 2605(b)(12), 2605(a)(2) TIMELY AND MEANINGFUL PUBLIC PARTICIPATION AND PUBLIC HEARINGS**

**How did you get timely and meaningful public participation in the development of the plan? (Please describe)**

During Fiscal Year 2008, DHCD convened meetings to address home heating energy issues such as high cost of heat for both deliverable fuel and utility clients, low-income discount rates, arrearage management programs, utility shut offs, and pending terminations of utility services for the low-income Massachusetts population. DHCD's service delivery partners, such as the Department of Public Utilities, investor-owned utility companies and LIHEAP subgrantee agency representatives participated in these meetings and helped develop new strategies for Fiscal Year 2008 and 2009.

In an effort to maintain opportunities for on-going dialogue and feedback concerning the impact of program modifications, DHCD continues to work with a LIHEAP Advisory Group. Proposed modifications to the Fiscal Year 2009 LIHEAP were presented to the Advisory Group. In preparation for FY 2009, two subcommittees were formed to review and make recommendations for changes in eligibility requirements for subsidized housing and self-employment applicants. The Advisory Group is comprised of representatives from the LIHEAP provider agency network, community action trade association, consumer legal and elderly advocacy and DHCD. The Group will continue to serve in an advisory capacity. In addition, the Energy Policy Advisory Group will continue to provide input and direction during the program year.

**Did you conduct public hearings on the proposed use and distribution of your LIHEAP funds? When and where?**

  X   Yes    No

As part of its overall public review process, the proposed State Plan was released in June 2008 to LAAs/provider agencies, Energy Policy Advisory Group, Massachusetts Energy Directors Association and other interested parties.

A formal Public Hearing was held on July 1, 2008 at DHCD during which both oral and written comments were received and recorded via transcripts. Notice of the public hearing was advertised in newspapers across Massachusetts and sent to interested parties. All comments made throughout the review process are considered in the completion of this document.

**STATUTORY REFERENCE: 2605(b)(13) FAIR HEARINGS**

**Describe your fair hearing procedures for households whose applications are denied or not acted on in a timely manner. When are applicants informed of these rights?**

Massachusetts requires an LAA to notify all applicants/clients of their right to appeal specific LAA decisions in the heating assistance/crisis assistance and energy conservation programs. Notification of these rights must be given:

1. When the applicant/client first applies for assistance (in the printed statement on the application);
2. When an LAA provides an applicant/client with a notice of either eligibility or ineligibility; and
3. When an LAA issues a final decision of denial on an appeal.

The appeals process requires applicants/clients initially to appeal to the LAA, and offers the opportunity to appeal to DHCD/CSU if the applicant/client is not satisfied with the decision issued by the LAA. Appeals must be made to the LAA, on a form provided by the LAA, within twenty (20) working days of receipt of any notice of eligibility or ineligibility. Applicants/clients can also request an appeal, on a form provided by the LAA, if they have not been notified of their application status within forty (40) days of the date of application.

The LAA shall convene an informal, face-to-face hearing with an applicant/client when an applicant/client requests such a hearing, or when the LAA deems such a hearing to be necessary.

Within twenty (20) working days of receiving an appeal, the LAA must:

1. Schedule a hearing if a hearing has been requested by the applicant/client or has been deemed necessary by the LAA. Notice establishing the date, time and location of the hearing shall be sent to the applicant/client or the applicant/client's representative.
2. In all other cases,
  - a. Review and reconsider the applicant/client's application, including the possibility of obtaining additional income or other documentation;
  - b. Reach a decision on the case; and
  - c. Notify the applicant/client of the final decision in writing, along with notice of the applicant/client's right to and procedures for appeal to DHCD.

Within ten (10) working days of a hearing, the LAA shall

1. Reach a decision on the case; and
2. Notify the applicant/client of the final decision in writing, along with notice of the applicant/client's right to and procedures for appeal to DHCD.

Appeals to DHCD of LAA decisions shall be handled by CSU's Appeals Officer. Applicants/clients must appeal, in writing, to DHCD within 20 working days of the final LAA decision that includes the notice of appeal rights. The Appeals Officer shall review all applicant/client files and information pertinent to the appeal, and shall notify the applicant/client and the LAA of the decision in writing (within 20 working days of receipt of the appeal). This decision shall include notification to the applicant/client of the right to seek and the time for seeking judicial review of DHCD's decision.

The timeframe for filing appeals is:

Appeals to Local Administering Agency - November 1, 2008 to June 26, 2009  
 Appeal to CSU of an LAA Decision - November 1, 2008 to August 28, 2009

#### **STATUTORY REFERENCES 2605 (b) (15) ALTERNATE OUTREACH AND INTAKE**

**Does the State agency that administers the following LIHEAP component also administer the State's welfare program?**

HEATING ASSISTANCE: ☐ Yes ☒ No

COOLING ASSISTANCE: ☐ Yes ☒ No

CRISIS ASSISTANCE: ☐ Yes ☒ No

As the Massachusetts LIHEAP program is operated under contract with local governmental entities or community-based organizations, both outreach and intake functions are primarily provided through this network. This is in addition to any services offered by the State Department of Transitional Assistance.

**STATUTORY REFERENCES 2605 (b) (16)**

**Do you use LIHEAP funds to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance?**

  X   Yes             No

If yes, please describe these activities.

- Needs Assessment (including high energy data collection).
- Counseling
- Assistance with Energy Vendors (shutoffs, arrearages, budget plans)
- Fast track Emergency Service
- Referral to Energy Conservation Services including utility conservation programs

If Yes, how do you ensure that you don't use more than 5% (statutory ceiling) of your LIHEAP funds for these activities?

It is included in each agency's budget allocation.

**VIII. LEVERAGING ACTIVITIES****STATUTORY REFERENCE: 2607(A) *LEVERAGING***

**Please describe leveraging activities planned for the fiscal year (This entry is optional"\*) Complete this entry if you plan to apply for LIHEAP leveraging incentive funds and to include in your leveraging report resources/benefits provided to low income households this fiscal year under criterion (iii) in 45 CFR 96.87(d)(2), Provide the following information for each:**

- 1) Identify and described each resource/benefit;
- 2) Identify the source(s) of each resource; and
- 3) Describe the integration/coordination of each resource/benefit with the LIHEAP program, consistent with 1 or more of conditions A-H in 45 CFR 96.87(d)(2)(iii)

**\* Leveraged resources/benefits that are counted under criteria (iii) in 45 CFR 96.87(d)(2) must be identified and described in the grantee's LIHEAP plan and distributed as indicated in the plan. In addition, leveraging resources/benefits that are counted under criterion (ii) must be carried out under one or more components of the grantee's regular LIHEAP program.**

CSU has identified and/or developed a wide range of non-federal resources that will supplement energy benefits for low-income households. These benefits are offered in the form of savings, discounts, and direct cash assistance. During Fiscal Year 2008, CSU reported over \$85 million in non-federal resources that were leveraged by the LIHEAP network between October 1, 2006 and September 2007.

Although income eligibility for these programs may vary, all participating households would qualify under federal income guidelines for LIHEAP.

The following are brief descriptions of the primary resources that are integrated into the LIHEAP program, directly or indirectly:

1. Margin-Over Rack Oil (MOR) Discount

The State LIHEAP Program developed the MOR program to provide home energy discounts through establishment of a maximum per gallon price for heating oil for all LIHEAP households. The CSU LIHEAP personnel calculate the daily or weekly maximum price based on average terminal prices and issues it to the local Subgrantee agencies operating the MOR program.

Oil vendors are required by contract to submit delivery tickets with their current retail price. This information is entered into each Subgrantee's database. The software programs used by Subgrantee agencies are designed to compare the retail price of oil and the MOR price for the date of delivery. The lesser of the two is paid to the vendor. The difference between the two is considered the savings generated. Both prices are maintained in the database for reporting purposes. Subgrantee agencies provide the state LIHEAP office with a quarterly report detailing the number of gallons delivered to the households, the actual retail price for the oil delivered, the MOR price paid for the deliveries, and the difference or savings by vendor.

2. Community Action, Inc. (CAI) Oil Bid Project

In eleven (11) cities and towns in Northeastern Massachusetts, home energy discounts are achieved through a competitive bidding process for oil deliveries to LIHEAP households. Successful bidders agree to make delivery to LIHEAP households based on a set margin above the average wholesale price of oil. Similar to the MOR program, CAI calculates the weekly bid price from daily average terminal prices. There is a similar process for kerosene in six (6) cities and towns served by CAI where kerosene is widely used.

Clients are not required to accept delivery from a participating "bid vendor". If they choose to take delivery from another vendor, benefits are paid directly to the client based on the bid price regardless of the price charged by the vendor. Pricing information from these vendors is maintained on file.

The savings are calculated by comparing the average retail price per gallon with the average bid price per gallon to achieve an average savings per gallon. This figure is then multiplied by the number of gallons delivered by the vendor to arrive at a savings figure by vendor. The bid vendor savings are calculated by taking the difference between the average bid price per gallon and the average retail price per gallon and multiplying by the number of gallons delivered by each bid vendor.

### 3. Low-Income Utility Discount Rates

Beginning in 1998, DHCD aggressively pursued and supported a low-income utility discount rate for LIHEAP clients and other targeted low-income groups.

State LIHEAP officials were involved in the rate filing with the encompassing negotiations and testimony in some cases, with a resultant outcome being the introduction of low-income rates for targeted households. Company officials sought the guidance and expertise of LIHEAP staff during and after these rate filings.

The major gas and electric utilities in Massachusetts offer lower rates to public assistance, fuel assistance, and/or other limited income households. All households eligible for the discount are eligible under the federal standards set by section 2605(b)(2) of Public Law 97-35 (42 USC 86 24(b)(2)). DHCD and the local fuel assistance network have been instrumental in the introduction of these rates via negotiation/participation in the Massachusetts Department of Public Utilities (DPU) proceedings as well as advocating with individual utilities. The network also plays a large part in the enrollment and certification of fuel assistance households to receive benefits for utility discount rates. In FY 2007, the amount of available utility discounts exceeded \$58 million.

### 4. Local/Statewide Fuel Funds

Non-federal funding resources are made available by municipal utilities to fuel assistance and other limited income households to offset energy bills. Payments are made directly to vendors on behalf of eligible households for payment of fuel bills. The Westfield Warm Funds and the Chicopee Light Caring Fund solicit private, non-federal funds on an annual basis. Local fuel funds are managed by LIHEAP Subgrantees in a similar manner. These programs serve households in need of additional assistance beyond their LIHEAP benefit and households at or below 200% of the poverty level, which is lower than 60% of the State's median income. Examples of other local funds include Brockton Crisis Prevention Program Fund, which includes resources from the City of Brockton.

### 5. Combined Fuel Funds

Many LIHEAP provider agencies have developed combined fuel funds to assist those customers who exhaust their regular LIHEAP benefit. For example, the South Shore Community Action Council (SSCAC), LAA who services the Town of Dennis, worked with the Town in developing a fuel fund for town residents. The program operates through SSCAC and is targeted to LIHEAP households under 150% of poverty. Furthermore, LAAs such as Action for Boston Community Development, Inc. (ABCD), Citizens for Citizens, Inc. (CFC), Community Action, Inc. (CAI), Community Teamwork, Inc. (CTI), New England Farm Workers Council, Inc. (NEFWC), Quincy Community Action Programs, Inc. (QCAP), Valley Opportunity Council, Inc. (VOC), and Worcester Community Action Council, Inc. (WCAC), reported local funds from the following sources: Massachusetts Association for Community Action, Citizens Oil and Gas, Pentucket Peoples Foundation, Saint Memorial physician contributions, CAA fundraising, Sovereign Bank, UniBank, and private donations.

#### 6. Salvation Army Good Neighbor Energy Fund

In addition, the LIHEAP network works very closely with the Good Neighbor Energy Fund - a statewide fund supported by utilities and private contributions. Households with incomes between a specified percentage of the federal poverty income guidelines, but are not eligible for the State LIHEAP Program, are served by the Fund, with up to \$275 in direct vendor payment benefits. Referrals are made by the 21 LIHEAP Subgrantee agencies.

#### 7. United Way Special Fund

Another resource comes from the Special Fund operated by the United Way of Massachusetts Bay and Merrimack Valley. Monies allotted to the Fund can assist households with energy emergencies in the form of oil deliveries or utility payments. Households at or below 60% of the State's median income are eligible for assistance, as are households with LIHEAP benefits that were not sufficient to meet their home energy needs. The referrals are made by the 21 LIHEAP Subgrantee agencies.

#### 8. Weatherization Support

CSU also counts resources contributed to weatherization and energy conservation programs as a supplement to DOE/LIHEAP efforts. These include in-kind contributions and funding from utility companies, property owners and contractors. They are available throughout the State and operated through the Subgrantee agencies operating the LIHEAP/WAP programs. The eligibility level for households is 200% of poverty for electric and gas utilities. CSU has mandated certain landlord contributions and the Subgrantee agencies negotiate directly, under the auspices of the CSU, with utility companies for demand side management funds.

#### 9. State Supplemental Funding

In FY 2008, the Massachusetts legislature allocated \$15 million in state LIHEAP funds, which were used to supplement LIHEAP benefits by a maximum amount of \$150 per eligible household. This additional funding allowed Massachusetts to increase its initial maximum benefit of \$865 to \$1,165 for deliverable fuels and \$1,025 for utility clients. In order to maximize the benefit, CSU also utilized federal contingency funds that we released in September 2007.

### **STATUTORY REFERENCES 2605 (b) PERFORMANCE GOALS AND MEASURES**

**Please describe performance goals and measures planned for the fiscal year.**

**(This entry is optional.)**

CSU has developed the following LIHEAP Goals and Outcome Measures for network-wide implementation. At the beginning of the program year, each subgrantee submits a LIHEAP workplan to CSU for approval, which becomes part of the contract with DHCD.

**GOAL A - LOW-INCOME PEOPLE, ESPECIALLY VULNERABLE POPULATIONS,  
ACHIEVE THEIR POTENTIAL BY STRENGTHENING FAMILY AND OTHER  
SUPPORTIVE SYSTEMS**

**Outcome Measures**

1. The number of low-income individuals or families served by Community Action that sought emergency assistance and the percentage of those households for which assistance was provided including LIHEAP (National Indicator – 6.2).
2. Number of vulnerable population<sup>[1]</sup> showing improvement as a result of receiving LIHEAP assistance or benefit.
3. Number of clients showing improvement<sup>[2]</sup> as a result of emergency services received.
4. Number of households<sup>[3]</sup> in crisis whose emergency needs are ameliorated due to LIHEAP assistance or benefit.
5. Number of high consumption households realizing a reduction in energy burden<sup>[4]</sup> as a result of receiving LIHEAP assistance or benefit.
6. Number of households<sup>[5]</sup> for which LIHEAP assistance avoids a loss of energy service.
7. Number of LIHEAP recipients making regular payments to energy suppliers as a result of financial counseling.
8. Number of Housing Assistance Program (HAP) clients who are prevented from becoming homeless<sup>[6]</sup>.
9. Number of Housing Assistance Program (HAP) clients who maintain housing for more than six months<sup>[7]</sup>.
10. Number of LIHEAP recipient households who received low/no cost energy related home repair through WAP and/or HEARTWAP programs<sup>[8]</sup>.
11. Number of clients whose energy burden was reduced due to LIHEAP in combination with other energy resources, e.g., utility discounts.
12. Number of LIHEAP households who completed financial assistance/counseling sessions.

**GOAL B - THE CONDITIONS IN WHICH LOW- INCOME PEOPLE LIVE ARE IMPROVED****Outcome Measures**

1. An increase in serving LIHEAP recipient households having at least one member 60 years or older compared to non-vulnerable LIHEAP recipient households.
2. An increase in serving LIHEAP recipient households having at least 1 member 5 years or under compared to non-vulnerable LIHEAP recipient households.
3. An increase in serving LIHEAP recipient households having at least 1 member who is disabled compared to non-vulnerable LIHEAP recipient households.
4. Number of LIHEAP agencies where customers served accurately represents the ethnic diversity of the service territory.
5. Number of new intake or volunteer sites opened that resulted in an increase in access for potential LIHEAP eligible households.
6. Number of potential LIHEAP applicants who have increased access to energy services due to operation of a new intake or volunteer site.
7. Number of new partnerships<sup>[9]</sup> developed with other service providers to increase access to energy services.
8. Number of partnerships maintained with other public and private entities to increase/maintain energy services.

**GOAL C – AGENCIES INCREASE THEIR CAPACITY****Outcome Measures**

1. Number of wage matching completed for LIHEAP clients as compared to the previous fiscal year.
2. Total number of LIHEAP applicants whose status was determined prior to the beginning of the program year.
3. An increase in the total dollar value of non-LIHEAP energy assistance resources.
4. Increase in proportion of federal funds allocated for meeting emergency and long-term needs of the low-income population.
5. Amount of energy-related investment<sup>[10]</sup> brought into the community by the network and targeted to low-income people.

6. Number of households who are referred to non-LIHEAP energy-related programs.<sup>[11]</sup>

<sup>[1]</sup> Households with at-least one elderly member and/or with children under 5 years of age and disabled.

<sup>[2]</sup> Health and safety and other energy-related adverse condition.

<sup>[3]</sup> Can be used for all LIHEAP clients.

<sup>[4]</sup> Energy Burden is defined as home energy expenditures divided by income.

<sup>[5]</sup> For LIHEAP emergency clients.

<sup>[6]</sup> For in-house Housing Assistance Program (HAP).

<sup>[7]</sup> For in-house Housing Assistance Program (HAP).

<sup>[8]</sup> For in-house WAP and HEARTWAP programs.

<sup>[9]</sup> As evidenced by verbal or written agreements, Memorandum of Understanding, contracts, etc.

<sup>[10]</sup> Funds from local banks, Fuel Funds, local government, etc.

<sup>[11]</sup> Salvation Army, *Joe for Oil*, FEMA, United Way, etc.

## ATTACHMENTS

- A. LIHEAP Subgrantee Address List
- B. FY 2008 LIHEAP Maximum Income Eligibility Chart
- C. Certifications
- D. Preliminary FY 2007 HHS Household Report\*

## ATTACHMENT A: LIST OF SUBGRANTEES

### **MASSACHUSETTS FUEL ASSISTANCE SERVICE AREA COVERAGE BY LOCAL ADMINISTERING AGENCY**

#### **ACTION, INC.:**

Essex, Gloucester, Hamilton, Ipswich, Manchester, Rockport, Wenham

#### **ACTION FOR BOSTON COMMUNITY DEVELOPMENT:**

Boston, Brookline, Newton

#### **BERKSHIRE COMMUNITY ACTION COUNCIL, INC.:**

Adams, Alford, Becket, Cheshire, Clarksburg, Dalton, Egremont, Florida, Great Barrington, Hancock, Hindsdale, Lanesborough, Lee, Lenox, Monterey, Mt. Washington, New Ashford, New Marlborough, North Adams, Otis, Peru, Pittsfield, Richmond, Sandisfield, Savoy, Sheffield, Stockbridge, Tyringham, Washington, West Stockbridge, Williamstown, Windsor.

#### **COMMUNITY ACTION, INC.:**

Amesbury, Boxford, Georgetown, Groveland, Haverhill, Merrimack, Newbury, Newburyport, Rowley, Salisbury, West Newbury

#### **COMMUNITY ACTION OF THE FRANKLIN, HAMPSHIRE, AND NORTH QUABBIN REGIONS, INC.:**

Amherst, Ashfield, Belchertown, Bernardston, Buckland, Charlemont, Chesterfield, Colrain, Conway, Cummington, Deerfield, Easthampton, Erving, Gill, Goshen, Granby, Greenfield, Hadley, Hatfield, Hawley, Heath, Huntington, Leverett, Leyden, Middlefield, Monroe, Montague, New Salem, Northampton, Northfield, Orange, Pelham, Plainfield, Rowe, Shelburne, Shutesbury, South Hadley, Southampton, Sunderland, Ware, Warwick, Wendell, Westhampton, Whately, Williamsburg, and Worthington,

#### **COMMUNITY ACTION PROGRAM INTER-CITY, INC.:**

Chelsea, Revere, Winthrop

#### **CITY OF CAMBRIDGE DEPARTMENT OF HUMAN SERVICES:**

Cambridge, Somerville

#### **CITIZENS FOR CITIZENS, INC.:**

Berkley, Dighton, Fall River, Freetown, Lakeville, Rehoboth, Seekonk, Somerset, Swansea, Taunton, Westport

#### **COMMUNITY TEAMWORK, INC.:**

Arlington, Bedford, Belmont, Billerica, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Groton, Lexington, Lowell, Pepperell, Tewksbury, Tyngsborough, Waltham, Watertown, Westford, Wilmington

#### **GREATER LAWRENCE COMMUNITY ACTION COUNCIL, INC.:**

Andover, Lawrence, Methuen, North Andover, North Reading, Reading

#### **LYNN ECONOMIC OPPORTUNITY, INC.:**

Lynn, Lynnfield, Nahant, Saugus, Swampscott, Wakefield

#### **NEW ENGLAND FARM WORKERS' COUNCIL, INC.:**

*Western Service Area:* Springfield

*North Central Service Area:* Ashburnham, Ashby, Athol, Ayer, Barre, Berlin, Bolton, Clinton, Fitchburg, Gardner, Hardwick, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, New Braintree, Petersham, Phillipston, Princeton, Royalston, Shirley, Sterling, Templeton, Townsend, Westminster, Winchendon

**NORTH SHORE COMMUNITY ACTION PROGRAMS, INC.:**

Beverly, Danvers, Marblehead, Middleton, Peabody, Salem, Topsfield

**PEOPLE ACTING IN COMMUNITY ENDEAVORS, INC.:**

Acushnet, Dartmouth, Fairhaven, Marion, Mattapoisett, New Bedford, Rochester

**QUINCY COMMUNITY ACTION PROGRAM, INC.:**

Braintree, Milton, Quincy, Weymouth

**SELF-HELP, INC.:**

Abington, Attleboro, Avon, Bridgewater, Brockton, Canton, Dedham, East Bridgewater, Easton, Foxborough, Franklin, Hanson, Holbrook, Mansfield, Norfolk, North Attleboro, Needham, Norton, Norwood, Plainville, Randolph, Raynham, Rockland, Sharon, Stoughton, Walpole, West Bridgewater, Westwood, Whitman, Wrentham

**SOUTH MIDDLESEX OPPORTUNITY COUNCIL, INC.:**

Acton, Ashland, Blackstone, Bellingham, Boxborough, Concord, Dover, Framingham, Grafton, Holliston, Hopedale, Hopkinton, Hudson, Lincoln, Littleton, Marlborough, Maynard, Medfield, Medway, Mendon, Milford, Millis, Millville, Natick, Northborough, Northbridge, Sherborn, Shrewsbury, Southborough, Stow, Sudbury, Wayland, Wellesley, Westborough, Weston, Upton, Uxbridge

**SOUTH SHORE COMMUNITY ACTION COUNCIL, INC.:**

Aquinnah, Barnstable, Bourne, Brewster, Carver, Chatham, Chilmark, Cohasset, Dennis, Duxbury, Eastham, Edgartown, Falmouth, Gosnold, Halifax, Hanover, Harwich, Hingham, Hull, Kingston, Marshfield, Mashpee, Middleborough, Nantucket, Norwell, Oak Bluffs, Orleans, Pembroke, Plymouth, Plympton, Provincetown, Sandwich, Scituate, Tisbury, Truro, Wareham, Wellfleet, West Tisbury, Yarmouth

**TRI-CITY COMMUNITY ACTION COUNCIL, INC.:**

Everett, Malden, Medford, Melrose, Stoneham, Winchester, Woburn

**VALLEY OPPORTUNITY COUNCIL, INC.:**

Agawam, Blandford, Brimfield, Chester, Chicopee, East Longmeadow, Granville, Hampden, Holland, Holyoke, Longmeadow, Ludlow, Monson, Montgomery, Palmer, Russell, Southwick, Tolland, Wales, Westfield, West Springfield, Wilbraham

**WORCESTER COMMUNITY ACTION COUNCIL, INC.:**

Auburn, Boylston, Brookfield, Charlton, Douglas, Dudley, East Brookfield, Holden, Leicester, Millbury, North Brookfield, Oakham, Oxford, Paxton, Rutland, Southbridge, Spencer, Sturbridge, Sutton, Warren, Webster, West Boylston, West Brookfield, Worcester

**FY 2009**

**Low Income Home Energy Assistance Program (LIHEAP)  
Maximum Income and Preliminary Benefit Levels**

<b>Family Size (# of people in the household)</b>	<b>100% of Federal Poverty Level</b>	<b>125% of Federal Poverty Level</b>	<b>150% of Federal Poverty Level</b>	<b>175% of Federal Poverty Level</b>	<b>200% of Federal Poverty Level</b>
1	\$ 10,400	\$ 13,000	\$ 15,600	\$ 18,200	\$ 20,800
2	\$ 14,000	\$ 17,500	\$ 21,000	\$ 24,500	\$ 28,000
3	\$ 17,600	\$ 22,000	\$ 26,400	\$ 30,800	\$ 35,200
4	\$ 21,200	\$ 26,500	\$ 31,800	\$ 37,100	\$ 42,400
5	\$ 24,800	\$ 31,000	\$ 37,200	\$ 43,400	\$ 49,600
6	\$ 28,400	\$ 35,500	\$ 42,600	\$ 49,700	\$ 56,800
7	\$ 32,000	\$ 40,000	\$ 48,000	\$ 56,000	\$ 64,000
8	\$ 35,600	\$ 44,500	\$ 53,400	\$ 62,300	\$ 71,200
9	\$ 39,560	\$ 49,450	\$ 59,340	\$ 69,230	\$ 75,587
10	\$ 43,520	\$ 54,400	\$ 65,280	\$ 76,160	\$ 77,196
11	\$ 47,480	\$ 59,350	\$ 71,220	\$ 78,804	\$ 78,804
12	\$ 51,440	\$ 64,300	\$ 77,160	\$ 80,412	\$ 80,412
13	\$ 55,400	\$ 69,250	\$ 82,020	\$ 82,020	\$ 82,020
14	\$ 59,360	\$ 74,200	\$ 83,628	\$ 83,628	\$ 83,628
15	\$ 63,320	\$ 79,150	\$ 85,237	\$ 85,237	\$ 85,237
16	\$ 67,280	\$ 84,100	\$ 86,845	\$ 86,845	\$ 86,845
17	\$ 71,240	\$ 88,453	\$ 88,453	\$ 88,453	\$ 88,453
Homeowners and Non-subsidized & subsidized housing tenants	\$ 503	\$ 445	\$ 390	\$ 345	\$ 345
High Energy Benefits	\$ 75	\$ 65	\$ 55	\$ 50	\$ 50

The maximum gross income cannot exceed 200% of FPL, limited up to 60% of estimated state median income.

Sources: [Federal Register: January 23, 2008 (Volume 73, Number 15)] [Notices] [page 3971-3972]

[Federal Register: March 5, 2008 (Volume 73, Number 44)] [Notices] [page 11924-11926]

## **CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS**

### **Certification Regarding Debarment, Suspension, and Other Responsibility Matters-- Primary Covered Transactions**

#### **Instructions for Certification**

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under

48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

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#### Certification Regarding Debarment, Suspension, and Other Responsibility Matters-- Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

#### Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-- Lower Tier Covered Transactions

#### Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is

providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.

4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, [[Page 33043]] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

\*\*\*\*\*

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--  
Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

## **CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS**

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This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

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### **Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)**

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).

8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

*Controlled substance* means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

*Conviction* means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

*Criminal drug statute* means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

*Employee* means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

#### Certification Regarding Drug-Free Workplace Requirements

##### Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about --(1)The dangers of drug abuse in the workplace;  
(2) The grantee's policy of maintaining a drug-free workplace;  
(3) Any available drug counseling, rehabilitation, and employee assistance programs; and  
(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --

- (1) Abide by the terms of the statement; and
- (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted -
  - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
  - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).
- (B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Massachusetts Department of Housing and Community Development

100 Cambridge Street, Suite 300, Boston, Suffolk, Massachusetts 02114

Check if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[55 FR 21690, 21702, May 25, 1990]

## **CERTIFICATION REGARDING LOBBYING**

### **Certification for Contracts, Grants, Loans, and Cooperative Agreements**

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### **Statement for Loan Guarantees and Loan Insurance**

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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Signature/Title: Francena Brooks, Undersecretary,  
Massachusetts Department of Housing and Community Development

**LIHEAP Household Report--Federal Fiscal Year 2008--Long Format**

Expiration Date: Pending

Grantee Name: COMMONWEALTH OF MASSACHUSETTS

Contact Person AKM RAHMAN

Phone: (617) 573 - 1413

Date: 6/9/2008

The *LIHEAP Household Report--Long Format* is for use by the 50 States, District of Columbia, and insular areas with annual LIHEAP allotments of \$200,000 or more. This Federal Report provides data on both recipient and applicant households for Federal Fiscal Year (FFY) 2008, the period of October 1, 2007 - September 30, 2008. The Report consists of the following sections: (1) **Recommended Long Format of Assisted Households** and (2) **Recommended Format for LIHEAP Applicant Households**. Data on assisted households are included in the Department's annual *LIHEAP Report to Congress*. The data are measuring targeting performance under the Government Performance and Results Act of 1993. As the reported data are aggregated, the information in this report is not considered to be confidential.

There are two types of data: (1) **required** data which must be reported under the LIHEAP statute and (2) **requested** data which are optional, in response to House Report 103-483 and Senate Report 103-251 *LIHEAP Household Report--Long Format* (the Excel file name is *hhsrptst.xls*) and the instructions on completing the Report (the Word file name is *hhrplns.doc*) can be downloaded in the Forms sections of the Community Services' LIHEAP web site at: [www.acf.hhs.gov/programs/liheap/grantee\\_forms/index.html#household\\_report](http://www.acf.hhs.gov/programs/liheap/grantee_forms/index.html#household_report). The spreadsheet is page protected in order to keep the format uniform. The items in other areas of the spreadsheet cannot be modified. For example, the number of assisted and applicant households can not be entered. Each total will be calculated automatically for each type of assistance by when the poverty level data are entered.

Do the data below include estimated figures? No ☐ Yes ☒ Mark "X" in the second column below for each type of assistance that has at least one estimated data item.

**1. RECOMMENDED LONG FORMAT FOR LIHEAP ASSISTED HOUSEHOLDS**

Type of assistance	Mark "X" to indicate estimated data	Number of assisted households	REQUIRED DATA							REQUESTED DATA		
			2006 HHS Poverty Guideline interval, based on gross income and household size	Under 75% poverty	75%-100% poverty	101%-125% poverty	126%-150% poverty	Over 150% poverty	At least one member who is 60 years or older	Disabled	Age 5 years or under	At least one member who is Age 2 years or under
Heating		133,827		20,083	31,624	23,893	22,771	35,456	48,068	36,468	25,658	14,886
Cooling												15,616
Winter/year round crisis	x	14,718		2,209	3,478	2,628	2,504	3,899	5,286	4,011	2,822	1,637
Summer crisis		0										
Other crisis (specify)		0										
Weatherization		5,919		595	784	1,055	1,338	2,147	3,512	1,643	479	289
												298

**2. RECOMMENDED FORMAT FOR LIHEAP APPLICANT HOUSEHOLDS (regardless of whether assisted)**

REQUIRED DATA									
Type of assistance	Mark "X" to indicate estimated data	Number of applicant households	2006 HHS Poverty Guideline interval, based on gross income and household size						
			Under 75% poverty	75%-100% poverty	101%-125% poverty	126%-150% poverty	Over 150% poverty	Income data unavailable	
Heating	x	177,212	26,594	41,876	31,639	30,153	46,950	N/A	
Cooling		0							
Winter/year round crisis	x	14,718	2,209	3,478	2,628	2,504	3,899	N/A	
Summer crisis									
Other crisis (specify)									
Weatherization	*	5,919	595	784	1,055	1,338	2,147	N/A	

X Estimated, based on actual number of assisted households as of May 31, 2008. The 2007-2008 heating season ended on May 16, 2008.

Note: Include any notes below for section 1 or 2 (indicate which section, type of assistance, and item the note is referencing):